

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

WILLIAM C GARDNER,

Plaintiff,

v.

Civ. No. 25-485 KWR/GBW

STATE OF NEW MEXICO, *et al.*,

Defendants.

ORDER DENYING MOTION TO REFUND MONEY

THIS MATTER comes before the Court on Plaintiff's [Motion to] Refund Money Paid for Case. *Doc. 17*. Having reviewed the Motion and being otherwise fully advised in the premises, the Court DENIES Plaintiff's Motion.

In the Motion, Plaintiff:

requests the filing fee of \$405.00 paid on December 27th, 2024 No. 1:24-CV-01305-JFR be reimbursed as the case has been dismissed without prejudice. The Plaintiff re-filed the case in new case number NO: 1:25-CV-00485-GBW and paid an additional fee of \$405.00 for the exact same case. The Plaintiff has filed a federal form for abeyance of this fee, but the form does not relate to the actual circumstances.

Conclusion:

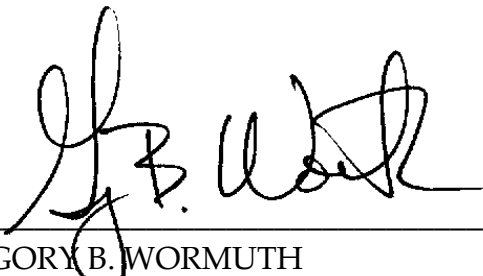
For these forgoing reasons, please forward the additional charges to my case of \$405.00 either by check or refund my cc.

Id. Federal law clearly requires a plaintiff to pay the filing fee and any required additional fees for *each* case that a plaintiff files. *See* 28 U.S.C. § 1914 ("The clerk of each district court shall require the parties instituting any civil action . . . to pay a filing fee

. . . . [and] such additional fees only as are prescribed by the Judicial Conference of the United States”). Plaintiff has not cited any legal authority in support of his Motion as required by the District of New Mexico’s Local Rules. *See* D.N.M.LR-Civ. 7.3(a) (“A motion, response or reply must cite authority in support of the legal positions advanced.”). Furthermore, Plaintiff incorrectly asserts case No. 1:24-cv-1305-WJ-JFR has been dismissed without prejudice. Case No. 1:24-cv-1305-WJ-JFR has not been dismissed.

The Court further notifies Plaintiff that it may impose monetary or other sanctions, such as filing restrictions and dismissal of this case, if Plaintiff asserts claims or other legal contentions that are not warranted by existing law, asserts factual contentions that have no evidentiary support, or otherwise fails to comply with the Federal and Local Rules of Civil Procedure. *See* Fed. R. Civ. P. 11; Fed. R. Civ. P. 41(b).

IT IS THEREFORE ORDERED that Plaintiff’s [Motion to] Refund Money Paid for Case (*doc. 17*) is DENIED.



GREGORY B. WORMUTH
CHIEF UNITED STATES MAGISTRATE JUDGE